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KARAGANIS, WHITE & MAGEL LTD.

ATTORNEYS AT LAW

414 NORTH ORLEANS STREET - SUITE 810

CHICAGO, ILLINOIS 60610

JOSEPH V. KARAGANIS

A. BRUCE WHITE

BARBARA ANNE MAGEL

MARK D. ERZEN

JOHN W. KALICH

CHRISTOPHER W. NEWCOMB

TELEPHONE

(312) 836-1177

TELEFAX

(312) 836-9083

WRITER'S DIRECT DIAL:

(312) 836-1177 EXT. 150

WRITER'S E-MAIL:

BWHITE@K-W.COM

May 20, 2009

Via E Mail and First Class Mail

Thomas J. Krueger

Associate Regional Counsel

U.S. Environmental Protection Agency

77 West Jackson Boulevard (C-14J)

Chicago, Illinois 60604-3590

**Re: Ellsworth Industrial Park
Intent to Pursue Removal Action**

Dear Tom:

This letter is being submitted by Precision Brand Products in response to Mr. Berkoff's May 14, 2009 e mail notice that: "If it is your client's intention to conduct some [OU1] work as a removal action, you need to contact me or Tom Krueger by Wednesday May 20, 2009."

Please be advised that Precision would be most interested in negotiating terms for a removal action at its property as part of the OU1 process if USEPA is, in turn, amenable to consideration and use of engineered barriers (including the building slab) and institutional controls (deed restrictions, local groundwater ordinances, etc.) in establishing the Soil Remedial Objectives (SROs) that would be met through that removal action. As previously related, we would contemplate that the development and implementation of those removal action SROs could parallel the process followed by the Illinois Voluntary Site Remediation Program and utilize the approach afforded by the Illinois Tiered Approach to Cleanup Objectives (TACO).

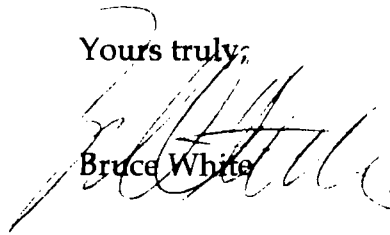
Insofar as the Agency is focusing on the potential for COCs to leach from the soils to the bedrock aquifer, we note that the most recent rounds of sampling by the Agency reflect that more than 35 years after Precision stopped using chlorinateds, virtually no contamination has been detected in the bedrock aquifer beneath Precision's facility. Neither the draft RI nor any other fate and transport analysis we have seen connects contamination in soils at Precision to contamination of the bedrock aquifer. Considering the lack of an established connection to the bedrock aquifer, and the steps previously taken to cutoff the groundwater pathway to that aquifer in any event (residential hookups downgradient coupled with the DuPage County and Downers Grove ordinances precluding use of groundwater for potable water supply), a TACO type

framework that accounts for use of engineered barriers and institutional controls is particularly well suited to these kinds of site specific conditions.

Finally, the Supreme Court's recent decision in the *Burlington Northern* case also appears to provide the Agency strong incentive to address the parcels that comprise EIP in the site specific manner we have suggested earlier in the process rather than trying to sort out apportionment of responsibility and divisibility of costs later.

If you have any questions or would like to discuss any aspect of this matter, feel free to call any time.

Yours truly,

A handwritten signature in dark ink, appearing to read "Bruce White", is written over the typed name. The signature is fluid and cursive.

Bruce White

cc:

Michael Berkoff (USEPA)